

**REMARKS**

Claims 1-5, 19-26, 34-40, 45-48, 57, 60, 61 and 63 are pending. Claims 1, 19, 25, 34, 37, 45, 57, 60, 61 and 63 have been amended. Favorable reconsideration is requested.

Claims 1, 19-21, 25, 34-37, 45, 57, 60, 61 and 63 were rejected under 35 U.S.C. § 102(b) over U.S. Patent Publication 2001/16499 (Hamabe). Claims 3-5, 22-24, 38-40, and 46-48 were rejected under 35 U.S.C. § 103 over Hamabe<sup>1</sup> in view of in view of U.S. Patent Publication 2003/3921 (Laakso). Applicant submits that the amended independent claims are patentable over Hamabe and Laakso, taken individually or together, for at least the following reasons.

Amended independent claim 1 is directed to a radio-resource management method. The method includes a control step of, based on radio-link quality information to be notified from at least one of a plurality of radio base stations and radio terminals belonging to respective different operators, taking alteration control of a frequency that the radio base station utilizes on the basis of information relating to other base stations that use the same frequency that is used by the radio base station. Applicant has found no teaching or suggestion in the cited art of this feature.

Hamabe is configured on the premise that the communication system in which the exclusive use of the frequency band is given provider by provider, as described in “the prior art” of this application, no interference occurs as long as the band restriction filter of the transmitter of each wireless appliance exhibits sufficient performance.

On the other hand, the present application enables alleviation of the interference between the wireless systems having the identical frequency band in common.

In Hamabe, in a case where it has been ascertained by measurement that the interference from the neighboring channel is large, and when a frequency band (such as, as an explanatory example, e.g., F1 (2000MHz), F2 (2005MHz), and F3 (2010MHz)) is assigned cellular system A as a frequency band, and another frequency band (such as, e.g., F4 (2015MHz), F5 (2020MHz), and

---

<sup>1</sup> The Office Action at page 5 lists the primary reference in this Section 103 rejection as “Bergqvist.” However, a telephone call to the Examiner confirmed that this was a typographical error and was meant to read “Hamabe.”

F6 (2025MHz)) is assigned to cellular system B as a frequency band, the base station of the system A uses F1, F2, and F3 at any time, whereas the base station of system B uses F4, F5, and F6. As a result of the control taught in Hamabe, the *mobile station* of the system A voluntarily stops utilizing F3 in order to avoid the interference from the neighboring frequency and uses F1 or F2 in the area where the system A and system B overlap with each other. However, at such time, in Hamabe, the *base station* would continue using frequency F3 for mobile stations having no problem with the interference quantity. Thus, Hamabe relates to alteration control of the carrier frequency of the mobile terminal. See e.g., paragraph [0144] of Hamabe.

On the other hand, in the present application, in a case where the wireless base station or the mobile station has detected that the co-channel interference is large due to the fact that system A and system B use an identical frequency, in an environment in which both of system A and system B can utilize all of the frequencies F1, F2, F3, F4, F5, and F6, the wireless *base station* of any of the systems *changes the frequency*, thereby allowing the interference to be reduced. Thus, the claimed manner of changing of the carrier frequency of the wireless base station is quite different from Hamabe, in which the mobile terminal stops using an interfering frequency.

The other independent claims recite, *inter alia*, a substantially similar feature and are believed patentable for at least the same reasons as claim 1 and are believed patentable over Hamabe for at least the same reasons. Laakso is not believed to remedy the abovementioned deficiency of Hamabe as a reference against the independent claims. The dependent claims are believed patentable for at least the same reasons as their respective base claims.

In view of the above amendments and remarks, applicant believes the pending application is in condition for allowance.

Dated: September 3, 2009

Respectfully submitted,

By Joseph W. Ragusa  
Joseph W. Ragusa  
Registration No.: 38,586  
DICKSTEIN SHAPIRO LLP  
1633 Broadway  
New York, New York 10019-6708  
(212) 277-6500  
Attorney for Applicant